

Zero Based Budgeting Review

FINAL

Recommendations for Public Safety and Judiciary

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Capital Collateral Regional Counsel

The Capital Collateral Regional Counsels (CCRCs) provide legal counsel in the collateral phase to Florida's inmates sentenced to death. A prisoner does not have a federal constitutional right to postconviction counsel provided by the state in capital cases. Also, the Florida Supreme Court has not clearly stated whether there is a state constitutional right to postconviction counsel in capital cases. However, if the state stopped providing postconviction counsel in capital cases, it is unlikely that the Florida Supreme Court would allow a death row inmate to be executed. The statutory creation of the Capital Collateral Regional Counsels provides a way for the Legislature to monitor and fund postconviction representation at reasonable levels.

The subcommittee's zero-based budget review concludes that the State of Florida should continue to perform and provide this service to ensure death row inmates are provided a full complement of legal services during collateral challenges. Specific recommendations include:

Death Penalty Legal Representation

1. The CCRCs' quarterly report to the Commission on Capital Cases should include total federal monies requested and received for providing legal representation in federal court.
2. For efficiency, consider modifying registry attorney contracts to require the reporting of case costs and progress to the Commission on Capital Cases on a quarterly basis. Contracts should also be amended to include responsibility for post-death warrant proceedings and the associated fee schedule adjustments.
3. The Legislature should evaluate the feasibility of funding capital collateral representation entirely through the use of private attorneys.
4. The CCRCs for the Northern and Southern Regions should detail a plan to the Legislature which indicates potential cost savings from the use of electronic file storage.

Florida Parole Commission

The zero-based budget review of the Parole Commission focused on three major functions/activities: Clemency; Parole Determinations and; Administrative Functions. Over the past six years, the Parole Commission has undergone several major organizational changes largely resulting from statutory changes to Florida's criminal punishment code. During this time, Parole Commission resources have fluctuated from a high of 224 FTE and \$10.2 million in FY 1995-96 to current year resources totaling 139 FTE and \$7.9 million for FY 2001-02.

The subcommittee's ZBB review concluded that the State of Florida should continue to perform the service of Post-Incarceration & Victim's Rights. The subcommittee's work includes several recommendations to improve performance, increase efficiency, and to explore outsourcing opportunities. Specific recommendations include:

Clemency:

1. Automate the initial review of clemency cases to automatically exclude offenders who are not eligible.
2. Pursue outsourcing clemency investigations in order to alleviate the current clemency backlog.
3. Develop an employee performance-based compensation plan similar to the program operating in the Florida Department of Law Enforcement for Parole Commission employees engaged in clemency investigations as an innovative solution for eliminating the current clemency backlog.
4. Consider requiring applicants to pay a fee in order to reduce state taxpayer costs associated with clemency activities performed by the Parole Commission for those cases that go to a hearing.
5. Explore the transfer of all support functions for clemency to the Executive Office of the Governor, thereby allowing the Governor/Clemency Board to directly manage the workload issues associated with the clemency process.

Parole Determinations:

6. No recommendations for this activity at this time.

Administrative Functions:

7. Transfer the following functions to the Department of Corrections: a) accounting, b) procurement, mail, and supply room, c) network administration, and d) help desk support **

***This recommendation has already been accomplished through the budget and is included in the Conference Report for Senate Bill 2-C.*

State Courts System

The State Courts System's mission is to "Protect rights and liberties, uphold and interpret the law, and provide for the peaceful resolution of disputes." The State Courts System is jointly funded by the state and local governments.

State funding for the courts is organized into five major program areas: (1) Supreme Court, which includes the Office of the State Courts Administrator which provides administrative support for the entire system; (2) Administered Funds, which are primarily pass-through funds to local circuit and county courts; (3) District Courts of Appeal which are the intermediate level appellate courts; (4) Trial Courts, which include the circuit and county courts; and, (5) Judicial Qualifications Commission which investigates and prosecutes complaints against judges and advises the Supreme Court on appropriate disciplinary action.

This review focused on the programs in the state courts that are totally state funded. They are the Supreme Court, the District Courts of Appeal and the Judicial Qualifications Commission. These programs account for \$56 million of the \$280 million total state budget for the courts system.

The trial courts, including administered funds, will be the focus of future review as the 1998 revisions to Article V of the State Constitution are implemented. These revisions essentially redefine the responsibilities of the state and local governments as it relates to funding the courts.

Generally, the review found that the courts are fulfilling their mission in an effective and efficient manner. Several specific suggestions for immediate cost savings were noted, primarily in the Office of State Courts Administrator. In addition, several areas of concern were identified and recommended for future review. Highlights of the subcommittee's findings are listed below by program.

Supreme Court

1. No major recommendations.

District Courts of Appeal

2. Discontinue appellate mediation program.
3. Re-examine statutory provisions related to waiver of fees for indigents.

Judicial Qualifications Commission

4. Consider eliminating requirements to maintain disclosure forms that are also maintained by the Ethics Commission.

Office of State Courts Administrator

5. Reduce 6 FTE and \$472,038 from organizational efficiencies and limiting travel expenses.
6. Outsource personnel services in accordance with the statewide plan.
7. Fund shift \$529,471 from General Revenue to the Court Education Trust Fund.
8. Outsource network operations to the Statewide Technology Office.
9. Require more complete accounting of travel expenditures.
10. Urge incoming State Courts Administrator to review organizational structure of office and report findings and recommendations to the Legislature in time for consideration by the 2003 Legislature.
11. Maintain accurate and current position descriptions for all positions.